Secrt. IX-27—45,00 —15-11-35.

Local (1936) Department.

No. SERIES.

G.O. No. ~~1938~~ 938

DATED 10. 6. 36.

Karikal I/C

[Despatch Abstract.]

Grants South Kanara - Panchayats Ramanamedaram Kadu - Transfer to Forest Panchayats — Sanctioned

C.F. 31—13,206—14-12-35.

REVENUE **DEPARTMENT.**

CURRENT No. 1274 B

Received 17 MAR 1936 19 . *Registered* 17.3.36. 19

Subject.

Panchayats- Forest (South Kanara) -Karkal taluk- Ramasamudram kadu- change of management and formation of forest panchayat- Proposal.

Refce. No. L. 382/36-1.

Station Madras. , *Dated the* 13th March 1936. 19

From

F.R. Brislee Esq., I.C.S.,
Secretary,
Board of Revenue.

The Hon.Mr. E. F. Thomas, C.S.I., C.I.E.,I.C.S.,
Commr. of Land Revenue.

pp 3-4 infra

Read the following paper:-

Letter from E. M. Gawne Esq., I.C.S., Collector of South Kanara, R.O.C. 4161-35 B.1 dated 22nd February 1936.

Reference.

Submitted to the Government.

2. The Board invites the attention of the Government to paragraph 2 of its Refce. No.L. 658/33-2 dated 20th June 1933 disposed of in G.O. No.Ms. 1257 Rev. dated 17th July 1933. It requests that the Government may be pleased to sanction the resumption of the management of the Ramasamudram kadu from the Karkal panchayat board and the assignment of the area to a forest panchayat constituted in accordance with B.S.O. No.195-A.

pp 26-27 (M)
p 45 (M)

p 1125 of BSO Vol IV
BK No (20)

To the Secretary to the Government, Revenue Dept., with enclosures.
J.E.G./14.3.

for Secretary. 16336

Draft

R. O. C. No.4161--35--B1.

South Kanara Collector's Office,
Mangalore, dated 22nd February 1936.

From

E. M. Gawne, Esq, I.C.S.,
Collector of South Kanara.

To

The Secretary to the Board of Revenue,
Madras.

S i r,

Panchayats-- Forests--Karkal Taluk--Karkal--Ramasamudram Kadu--Change of Management and formation of Forest Panchayat-sanction requested.

The village forest of Ramasamudram Kadu in Karkal was formed about the year 1882 and was managed by a forest panchayat till 1923. In 1923, it was transferred to the management of the Karkal Village Panchayat on the same conditions as those on which it had been managed till then by the forest panchayat. I enclose a copy of G. O. No. Mis.1235 (Development Department) dated 29th August 1923 under which this transfer was effected. At the instance of the Registrar General of Panchayats these conditions were later modified in G. O. 537 Mis. Development Department dated 26th March 1924, and the Government were pleased to approve of the revised conditions proposed which have been set forth in the Collector's letter dated 1st August 1924 to the Registrar General, a copy of which is enclosed.

p 24 (A)

(B)

pp 5-7 infra

2. It had been expected that in view of the fact that the forest lies so close to Karkal town, the panchayat board of Karkal would take some real interest in it and that it would be able to improve it in the course of years. The management of the forest by the Village Panchayat has however not been a success. Successive inspections by different Officers of the Revenue Department have shown that the members of the Vil-

lage Panchayat are not taking any interest in the forest and that it would be detrimental to public interests if the forest continues to be managed by the Village Panchayat. The panchayat board members do not make any inspections and everything is left to the watcher who is allowed to go his own way so long as he collects an amount equal to his pay and does not prove a burden on the other income of the village panchayat. It is 12 years since the panchayat took up the management; but the boundaries of the forest continue to be ill-defined and the forest is badly protected. The watcher's work is not supervised.

3. The circumstances which led to the formation of a Forest Panchayat in 1882 and which led to the transfer of control in 1923 are not known. It seems that whatever the previous history is, it is now necessary to form a separate forest panchayat in accordance with B. S. O. 195--A and retransfer the forest to its management. The forest touches other villages besides Karkal (Kervashe, Durga, Miyar, Mudar) and the cultivators of those villages will take more interest in the panchayat than the townsmen of Karkal. The Inspector of Local Boards and Municipal Councils who was consulted by me has agreed to the proposal. The Village Panchayat is not bound by any agreement and does not at all represent the cattle owners or ryots as a regularly constituted forest panchayat would.

4. I solicit the Board's orders in the matter.

Your obedient servant,

Collector.

(4) The area under management may be inspected by any Revenue officer not below the rank of a Revenue Inspector and by any officer of the Forest Department not below the rank of a Ranger. But no orders shall be issued to the panchayat except by the Collector or Revenue Divisional Officer.

(5) The Government may for breach of any of the conditions at any time resume the control of the forest.

2. The above five conditions were sanctioned by Government in G.O. No. 537 Mis. Development dated 26th March 1924.

(B)

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GOM
S.S.
15-3

Revenue Dept.

[C No. 12248/36]

Panchayat – Forest – (Soulk Kavara)? – Kar Kal Taluk – Ramasamudram Kadu – Change of management. Formation of Forest Panchayat Proposal.

From the Board of Revenue, Report No. 7382/36 dated 13.3.1936.

To A.S.

Please see the Board's reference in the C/F Ramasamudram Kadu forest is not a Reserved Forest under the Control of the Revenue Department. It is a Class III (Local & Private) Forest in the management of the Village forest (of Ramasamudram Kadu) for transference from the Control of the Forest Panchayat to the Control of the Kar Kal Village Panchayat by the Revenue Dept. in G.O. No. Misc 1235 Revl. dated 29.8.23 and orders for the re-transfer of the management to a Forest Panchayat. Constitution of a Board for the village also has been issued in the Revl. Dept. Thus file may be transferred to Revl. Dept.

Since removed in Rev.

p. 24 of (A)

Rev. 1469-I
26.3.36

Rev. 2.0/12248/36-1
25.3.36

ASSISTANT SECRETARY TO GOVERNMENT
26 MAR 1936
DEVELOPMENT DEPARTMENT

25.3.36.

26/3/36

Dev. Deptt

N.A.

Please see the letter in the file.

The proposal is to retransfer the management of the Ramadamudam Kadu forest from the Karkal village Panchayat to the a forest Panchayat constituted in accordance with Govt. No. Cy.5A. It was handed over to the Karkal village Panchayat in Cy23. Please see letter from the P.T.O. Karkal at Pages 2-4 of Fy. 1235-Dev dated 29.8.23 and the Govt. of S. Kanara now states that the management of the forest by the village has not been a success and that it would be detrimental to public interest if the forest continues to be managed by the village Panchayat. The Board submits the Collector's proposal, and requests that the retransfer may be given effect to

We therefore recommend that the forest may be retransferred to the forest panchayat.

~~[illegible]~~

The objection of Local Boards and Municipal Councils, who are entitled to A under Sec. 4 has no objection to the proposal. ~~It~~ ~~appears that no~~ ~~has been~~ ~~consulted. This may be done~~ ~~soon~~.

P.T.O.

B/
See flag (M)

Submitted that the Board's recommendation may be accepted a draft order is submitted for approval. It may be sent to the L.S.G. for acceptance.

Dev. No. 1469 I/36-1
7-4-36

21/4 - Dev

Dev.

Dev. No. 1840-I
23.4.36.

I got this file back from the office as after it left me it struck me that one or two points required further elucidation.

It is true that the L.S.G. has accepted the

4 11

draft. But was it not necessary to have given an opportunity to the local body (the village panchayat) to show cause against the resumption of management of the forest? A

It is ~~more~~ merely a village forest and not a ryots' forest. The ryots' forests are all reserved forests, i.e., forests reserved under section 16 of the Madras Forest Act. This village forest is apparently not a reserved forest. Can its management be handed over to a forest panchayat without making it a reserved forest and if so how will the forest panchayat administer it? B.

I shall be glad if the office will examine these points before we issue the draft.

Clk
26.4.36

Read in Mrs. on 30/4/36 -

To A.S.

Please see the Secy's notes - above.

'A' above - The forests in question were transfred to the Control of the Karkal Village Panchayat under section 17 of the Village Panchayat Act, 1920. This section runs as follows:-

" The Local Govt. may, Subject to such Conditions and the payment of such contributions, if any,

(A)

- V&F Lr. 1233-36
29-4-36

by the Panchayat as they may
prescribe, transfer to any Panchayat
the management, protection and
the maintenance of village forests,
whether reserved for fuel and fodder
or for other purposes" under the
conditions subject to which the
management has been transferred
to the Control of the Panchayat; the
Govt. may for breach of any of
the conditions at any time resume
the Control of the forest. From
the report of the Collector at pp 3-4 C.F.
it does not appear that the
Panchayat has carried out its
obligations properly and it is
open to Govt. to resume Control under
the Conditions referred to at 'A' above.
Reply is also solicited to portion marked A in the R.O. 3 Wire at p. 3 of (B).
There does not appear to be any specific
provision in the
Act requiring that the Panchayat
should be given an opportunity
to explain before the forests are
resumed. If considered necessary
L.S.G. Dept. may be consulted
on this point.

'B' at page 4 supra. It is
submitted that the Ramasamudram Pan-

M.C. Control (b) at pp 3-4 C.F. A

Go. 537 Industries 20.3.24 (B)

Instructions

A

(S)

G.O. Ms. No. 2424 A
25-11-32

13 K

is an unreserve. In order that
these forests may be handed over
to a forest Panchayat for management
it would be sufficient if it is
declared unreserved land by the
Collector under rule 5-A of the Forest
rules for the management of reserved
and unreserved lands issued
under Section 26 of the Forest Act.
It is not necessary to declare the land to be
a reserved forest. The said Rules
4/5/36 5/5/36 have added a clause
to the draft. Before
issue with G.O. Ms. No.
advise if the Panchayat
should be given an opportunity
to show cause against
resumption?

6.5.36

Memo No. 1469 I/36-2
7-5-36

SECRETARY TO GOVERNMENT
4-MAY 1938
19027
LOCAL SELF GOVERNMENT DEPT.

P.O.D

7/14

L.S.G. DEPARTMENT

Please see remarks of Dev. on pp 3-6 ante
Attention is solicited to Dev. Secy's remarks on pp 3-4 & p 6 ante in particular.

2. The proposal is to retransfer the management of the Ramasamudram Kadu forest from the Karkal Village Panchayat to a forest panchayat constituted in accordance with B.S.O. No. 195 A. The question raised in this connection is whether or not the local body should be given an opportun of showing cause against resumption of the management of the forest.

fp 2 ante

3. There is no statutory obligation on the part of the Government that such an opportunity ~~she~~ should be given to the village panchayat. It is stated that the Inspector who was consulted in the matter has agreed to the proposal. Presumably he has consulted the panchayat. There seems to be no need for the Government to consult the panchayat. With these remarks the file may be returned to Dev. u.o.

A on fp 4 CF

Dev

Dev

2488
9633
LSG 1902 7-1
Ag 676/36
Dy (1)

Dev

UNDER SECRETARY TO GOVT. 7-JUN 1936 DEVELOPMENT DEPARTMENT

Issue draft.
CA
7.6.36

8/10-6-36 pr Dr

15

C.F.16.

Dev. Dept

DRAFT FOR APPROVAL.

	Date.	Initials.
When received for fair copying ..		
When copied ..		
When examined..	10/6	
When signed ..		
When despatched.		

SUBJECT:—

Forests

South Kanara – Panchayats – Ramasamudram Kadu – transfer to Forest Panchayat – sanctioned.

(A)

READ AGAIN Go 1235 Dev Revenue, dated 29-8-1933 19

" " " 537 " " 26-3-1934 (B) 19

READ *ALSO*:—

No. 1469 I/36 From the Bd of Rev. Refce No. L 382/36 dated 13-3-1936 19

" " " " " " 19

" " " " " " 19

Order ~~Resolution~~ Ms. ~~Rout.~~ No. 938 dated 10-6- 19 36

Jle Govt accept the Board's proposal and sanction the resumption of the management ~~retrocession~~ of the Ramasamudram Kadu in the Karkal Taluk of the South Kanara Dt to a forest panchayat constituted in accordance with B.S.O. No 195-A.

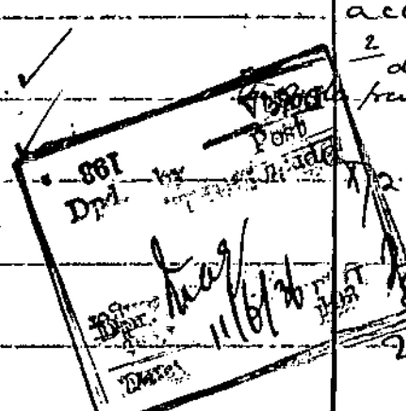
2 It is presumed that the area has been declared a "Reserved land" under Rule 5-A of the rules framed under Sec 26 of the Madras Forest Act (V of 1882)

fwd

7/4

To the Board of Rev.

Y.S.G. Dept



12-4-36

11/6/36

2436

6-5-36